

State of Connecticut  
Regulation of  
Department of Energy and Environmental Protection  
Concerning  
Safe Waterskiing

Section 1. Section 15-121-A9 of the Regulations of the Connecticut State Agencies is amended to read as follows:

**Sec. 15-121-A9. Requirements when waterskiing**

[(a)] [A water-skier, his observer, and the boat operator shall use the following hand signals for communications:

Faster: thumb pointing upward

Slower: thumb pointing downward

Speed O.K.: Arm upraised with thumb and finger forming circle

Right Turn: Arm outstretched, pointing right

Left Turn: Arm outstretched, pointing left

Return to Drop-Off Area: pat on the head with an open hand

Cut Motor: Finger drawn across throat

Stop: Hand drawn across throat

Skier O.K. After Fall: Hands clenched overhead

Pick Me Up or “Watch Out Fallen Skier!”: One ski extended vertically out of the water]

(a) Any person required to obtain a safe waterskiing endorsement by section 15-140e of the Connecticut General Statutes, as amended, and who is operating a vessel towing a water skier shall be required to carry on board the towing vessel a physical copy or electronic proof of their endorsement.

(b) No person shall operate a vessel engaged in waterskiing at such a speed or maneuver a vessel engaged in waterskiing in such a manner as to impede the navigation of another vessel or endanger the life, limb or property of another person. No person shall waterski in such a manner as to impede the navigation of any vessel or endanger the life, limb or property of another person. No person shall engage in waterskiing in such a manner as to strike or threaten to strike any person, vessel or object other than an object designed to be used in a waterskiing course and no person shall operate a motorboat or manipulate a tow line or other towing device in such a manner as to cause a water skier to strike or threaten to strike another person, vessel or object other than an object designed to be used in a waterskiing course.

[(b)](c) No person shall operate a vessel towing a [water-skier] water skier without an observer present on the vessel who shall assist the operator and monitor the progress of the [water-skier] water skier. The observer shall be designated by the operator of the vessel and shall be at least twelve years of age.

(d) The number of persons on board the vessel towing a water skier added together with the number of water skiers being towed shall not exceed the carrying capacity of the towing vessel, as indicated on the capacity label permanently affixed to the towing vessel by its manufacturer.

[(c)](e) No person shall stand or sit either on the bow or gunwales of a vessel which is towing a [water-skier] water skier except in an emergency.

[(d)](f) Each [water-skier] water skier shall wear a [U.S. Coast Guard approved Type I, II, III or V] personal flotation device approved by the U.S. Coast Guard and used in accordance with any requirements stated on the approval label and with any requirements in its owner's manual, if the approval label makes reference to such manual, and no vessel operator shall tow a [water-skier] water skier who is not wearing such a device. [Notwithstanding] Notwithstanding the foregoing, no person shall use an inflatable personal flotation device to meet the PFD requirements of this section.

(1) This subsection shall not apply to skiers engaged in barefoot waterskiing who wear a barefoot wetsuit designed specifically for such activity.

(2) This subsection shall not apply to skiers engaged in trick waterskiing whose movements would be restricted or impeded by the bulk of a personal flotation device. For purposes of this subsection, a trick [water-skier] water skier means a [water-skier] water skier whose equipment and activities have all of the following characteristics:

(A) Type of skis: for standard double trick skis, length of no more than 46 inches and width of at least 8 inches, with no keels on bottom; for single trick ski boards, length of no more than 56 inches and width of at least 22 inches, with no keel on bottom;

(B) speed of tow no more than 20 miles per hour; and

(C) tow rope no longer than 50 feet.

(3) The operator of a vessel towing a trick [water-skier] water skier or barefoot [water-skier] water skier shall make a U.S. Coast Guard approved personal flotation device readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

[(e)](g) No person shall operate a vessel towing a person or persons on an inner tube unless such inner tube is fitted with permanent handholds or with a covering with permanent handholds.

[(f)](h) No person shall operate a vessel towing a [water-skier] water skier from one half hour after sunset until sunrise or when weather conditions restrict normal visibility to less than one hundred yards.

(i) No person shall engage in teak surfing or platform dragging and no person shall operate a motorboat or have the engine of a motorboat run idle while a person is teak surfing or platform dragging. For the purposes of this section, "teak surfing" or "platform dragging" means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the exterior of the transom of a motorboat for any amount of time while the motorboat is underway at any speed.

[(g)](j) (1) [Kite-skiing] Kite skiing or parasailing will be permitted on all waters where unlimited waterskiing activity is permitted. Both are prohibited on waters where waterskiing is prohibited or subject to special regulation.

(2) Nothing in the above shall be interpreted as allowing [kite-skiing] kite skiing or parasailing on any water when boating pressure by other users makes these activities imprudent because of risks involved.

(3) [Kite-skiers] Kite skiers and parasailers shall not fly over or under overhead obstructions such as power and telephone lines, bridges; nor shall they fly over dams, locks, docks, launching ramps, swim areas, marinas or congested areas.

[(h)](k) Except as authorized through a marine event permit issued by the commissioner, no person shall operate a vessel towing a [water-skier] water skier with a tow line greater than one hundred feet in length, measured from the vessel tow-post to the [water-skier's] water skier's tow handle, and no part of any such tow line shall include an elastic component, such as a bungy cord, rubber band or similar material which readily extends the length of the tow line.

[(i)](l) No person shall operate a vessel with a rigid metal tow pole, commonly used in barefoot skiing, with the pole at a right angle to the tow vessel, unless the vessel is engaged in towing a [water-skier] water skier from the tow pole or from the stern and at least one person on board the vessel is using the tow pole for training. When the vessel is not engaged in towing a [water-skier]

water skier or no one on board the vessel is using the tow pole for training, the tow pole may remain on the vessel, provided the operator of such vessel ensures that it is dismantled or folded so that it is inside of the gunwale and parallel to the centerline of the vessel.

(m) On any single day, any law enforcement officer empowered to enforce the provisions of this section may terminate any waterskiing activity from the vessel for that day if any person onboard or any water skier being towed by that vessel has violated any provision under this section or section 15-134 of the Connecticut General Statutes.

(n) The commissioner shall revoke the safe waterskiing endorsement of any person who is: (A) charged with a violation of this section or section 15-134 of the Connecticut General Statutes and who is also convicted under sections 15-132a, 15-133(d), 15-140k, 15-140l, 15-140m, or 15-140n of the Connecticut General Statutes for the same incident, or (B) convicted twice in aggregate in the same calendar year and in separate incidents under this section or section 15-134 of the Connecticut General Statutes or any combination thereof. The safe waterskiing endorsement shall be revoked for the remainder of the year in which the triggering conviction takes place and for the entire calendar year following. A person who has had their safe waterskiing endorsement revoked shall surrender to the commissioner any and all safe waterskiing-endorsed safe boating certificates or certificates of personal watercraft operation, and any stand-alone safe waterskiing endorsements such person may possess. Such person may regain their endorsement only after the revocation period has been completed and subsequently only after successfully completing anew the safe waterskiing instruction course described in this section.

(o) Violation of this section shall be an infraction.

Sec. 2. Section 15-140f-1 of the Regulations of the Connecticut State Agencies is amended to read as follows:

### **Sec. 15-140f-1. Safe boating certificate course content**

(a) Any person required by subsections (a) or (b) of [Section] section 15-140e of the Connecticut General Statutes to successfully complete a course prior to issuance of a safe boating certificate shall complete a course in safe boating operation which, for purposes of these regulations, shall include a minimum of eight hours of classroom instruction. Said course shall subscribe to the National Association of State Boating Law Administrators (NASBLA) National Boating Education Standards amended from time to time and available online at [www.nasbla.org](http://www.nasbla.org) or from the NASBLA Headquarters Office, [1500 Leestown Road, Suite 330, Lexington, KY (859-225-9487) and online at [www.NAS-BLA.org](http://www.NAS-BLA.org).] 1648 McGrathiana Parkway, Suite 360, Lexington, KY 40511. Said course shall include a section on Invasive Aquatic Vegetation as described in Section 5 of Public Act 03-136.

(b) For purposes of this section, [Section] section 15-140e, and subsection (c) of [Section] section 15-140f of the Connecticut General Statutes, the following courses in safe boating operation may be approved by the [Commissioner] commissioner:

(1) Classroom courses with a [closed book] proctored, closed-book examination in safe boating operation taught by Department of Energy and Environmental Protection personnel or their agents who have been designated to teach such course by the [Commissioner] commissioner;

(2) Classroom courses in safe boating operation which have been approved by the National Association of State Boating Law Administrators with a proctored, [closed book] closed-book examination;

(3) Classroom courses in safe boating operation taught by members of the United States Coast Guard Auxiliary with a proctored, [closed book] closed-book examination; and

(4) Classroom courses in safe boating operation taught by members of the United States Power

Squadrons with a proctored, [closed book] closed-book examination.

(c) Any person required by section 15-140e of the Connecticut General Statutes, as amended, to complete instruction in safe waterskiing as a prerequisite to receiving a safe waterskiing endorsement shall be required to successfully complete a course of instruction approved by the commissioner.

(1) Only those instructional courses in safe waterskiing and their associated examinations approved in writing by the commissioner shall be accepted as meeting the prerequisite for receiving a safe waterskiing endorsement. The commissioner shall be the sole judge of whether an instruction course and examination meets the requirements set forth in this section. An approved instruction course or examination that is altered in a way that omits required content shall be deemed to be unapproved until the commissioner approves in writing the change(s) or alteration(s).

(A) An instruction course in safe waterskiing that is accepted by the commissioner as meeting the prerequisite for receiving a safe waterskiing endorsement shall include at a minimum the following topics: responsibilities and requirements of the vessel owner, operator, and observer while a vessel is engaged in waterskiing; responsibilities and requirements of the person or persons being towed; recognized safety practices for waterskiing; and Connecticut-specific rules for safe waterskiing.

(B) Any person seeking to obtain a safe waterskiing endorsement and who is required by section 15-140e of the Connecticut General Statutes, as amended, to obtain such safe waterskiing endorsement prior to operating a vessel engaged in waterskiing shall be required to pass an examination consisting of a minimum of ten questions regarding safe waterskiing practices with a passing score of eighty percent (80%) prior to being issued a safe waterskiing endorsement.

(C) The commissioner shall incorporate the safe waterskiing instruction and examination described in this section into approved safe boating courses offered pursuant to sections 15-140f and 15-140j of the Connecticut General Statutes. There shall be no additional fee for the safe waterskiing instruction and examination where it has been incorporated into such courses. The commissioner may offer the safe waterskiing instruction and examination described in this section as a stand-alone class. There shall be no fee for such stand-alone class, except that a facility fee, as requested by the facility and approved by the commissioner, may be charged per student for those classes that take place on property which use is not under the control of the commissioner. The commissioner may charge an administrative fee of up to ten dollars (\$10) per student for an online safe waterskiing instruction course approved by the commissioner. An examination administrative fee of up to ten dollars (\$10.00) per student may be charged by a provider of an online course that has been approved in writing by the commissioner.

(2) The commissioner shall issue the safe waterskiing endorsement as a mark or notation on a person's safe boating certificate or certificate of personal watercraft operation or, where not practicable, in a format otherwise prescribed by the commissioner.

(A) The commissioner may issue a stand-alone safe waterskiing endorsement to those persons seeking a safe waterskiing endorsement who are not required by section 15-140e or section 15-140j of the Connecticut General Statutes to obtain or possess a safe boating certificate or certificate of personal watercraft operation issued by the commissioner.

(B) The commissioner shall not issue a safe waterskiing endorsement to persons who hold a temporary safe boating certificate or certificate of personal watercraft operation.

[(c)](d) A list of approved courses shall be maintained by the [Commissioner] commissioner.

Sec. 3. Section 15-140j-2 of the Regulations of the Connecticut State Agencies is amended as follows:

**Sec. 15-140j-2. Content for courses taken to obtain a certificate of personal watercraft operation**

(a) Any person required by subsection (b) of [Section] section 15-140j of the Connecticut General Statutes to obtain a certificate of personal watercraft operation, in addition to providing proof as described in subdivision (2) of subsection (b) of [Section] section 15-140j-1 of the Regulations of Connecticut State Agencies that such person has been issued or is eligible to be issued a lifetime safe boating certificate, shall successfully complete a classroom course in safe personal watercraft handling which has been approved by the [Commissioner] commissioner. Such course shall provide instruction in the following subjects:

- (1) safe personal watercraft operation;
- (2) courtesy to other users of the waters; and
- (3) applicability of boating law to personal watercraft.

(b) Any person required to successfully complete the course described in subsection (a) of this section shall also pass an examination to be given at the conclusion of such course. The examination shall consist of not less than ten questions pertaining to those subject areas listed in subdivisions (1), (2) and (3) of subsection (a) of this section. The minimum score to pass such examination shall be eighty percent correct answers.

(c) The following may be substituted in lieu of the requirements of subsections (a) and (b) of this section: (1) Any person required by subsection (b) of [Section] section 15-140j of the Connecticut General Statutes to obtain a certificate of personal watercraft operation may complete a combined basic boating and safe personal watercraft handling course which has been approved by the [Commissioner] commissioner. Such combined course shall contain all topic areas designated in [subdivisions (1), (2) and (3) of subsection (a) of this section and subsection (a) of Section] section 15-140f-1 of the Regulations of Connecticut State Agencies and in subdivisions (1), (2) and (3) of subsection (a) of this section. Any person who successfully completes the combined basic boating and safe personal watercraft handling course shall also pass a proctored, [closed book] closed-book examination given at the conclusion of the course. Such examination shall consist of not less than fifty questions covering all required topic areas. The minimum score to pass such examination shall be eighty percent correct answers; or (2) upon application, any person may take an equivalency examination which tests their knowledge of safe personal watercraft handling. Such equivalency examination shall be administered by the [Commissioner] commissioner and may be taken only once. The examination shall be taken in person at a place and time designated by the [Commissioner] commissioner. The examination shall be a closed book examination with no fewer than fifty questions prepared by the [Commissioner] commissioner. The minimum score to pass such examination shall be eighty percent correct answers. Any person who passes such examination shall be qualified to receive a certificate of personal watercraft operation. Any person who fails to pass such examination shall be required to successfully complete a personal watercraft course as identified in subsections (a) and (b) of this section or in subdivision (1) of subsection (c) of this section as a prerequisite to receiving a certificate of personal watercraft operation.



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**Statement of Purpose**

Public Act 15-25 - “An Act Concerning a Minimum Age for Towing Any Person by Vessel and Requiring the Completion of Safe Towing Instruction Prior to Issuance of a Safe Boating Certificate” -changed the rules regarding who is allowed to operate a vessel that is towing a water skier by setting a minimum age for the operator of the towing vessel and by requiring certain towing vessel operators to gain a safe waterskiing endorsement to supplement their safe boating certificates prior to towing any water skier. Here, pursuant to the requirements of Pubic Act 15-25, the Commissioner of the Department of Energy and Environmental Protection (DEEP) sets forth a program to issue and revoke safe waterskiing endorsements to those who, unless exempted by the public act, meet a minimum standard of safe waterskiing education. These amendments to existing sections of regulation (RCSA Sections 15-121-A9, 15-140f-1 and 15-140j-2) establish, inter alia, minimum education and examination standards for receipt of a safe waterskiing endorsement, a mechanism allowing both DEEP educators and approved private educators (known as “private providers”) to provide safe waterskiing education that leads to the issuance of a safe waterskiing endorsement, maximum fees associated with safe waterskiing education and examination, and standards for the revocation and restoration of a safe waterskiing endorsement for repeat offenders of safe waterskiing rules. These amendments also prohibit a dangerous activity known as “teak surfing”, codify a rule regarding vessel capacity and towing sports that has long been taught but has heretofore escaped enforcement and establish a penalty subsection to assist with tracking of waterskiing violations germane to the process of revoking a safe waterskiing endorsement. The proposed amendment is expected to have minimal fiscal impact and no measurable impact to small business is anticipated. The amendment is authorized by Section 2 of the Public Act 15-25 and by Connecticut General Statutes Sections 15-121(b)(6) and 15-121(b)(11).